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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BIJOUX BURMA,

Opposer,

v.

BETH SCHAEFFER LLC,
dba BLUMA PROJECT,
Applicant.

Opposition No. _____

Application 85/325,719

09/18/2012 SWILSON 00000007 85325719

01 FC:6402

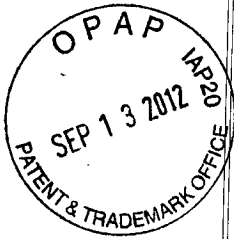
300.00 DP

NOTICE OF OPPOSITION

Hon. Commissioner for Trademarks
Alexandria, VA 22313

Sir:

In the matter of the application for registration of the trademark **BLUMA PROJECT (Stylized)** for jewelry, necklaces, rings, earrings, brooches, ornamental pins, bracelets, and wrist ties in the nature of jewelry in Class 14, Serial No. 85/325,719, filed on May 20, 2011, by Beth Schaeffer LLC dba Bluma Project, whose address is 547 Henry Street, Brooklyn, NY



09-13-2012

11231, and which was published for Opposition on March 20, 2012 in the Official Gazette. Bijoux Burma, a French corporation, having its principal place of business at 8 Boulevard des Capucines, Paris, France 75009, believes that it would be damaged by such registration and hereby opposes registration of said alleged trademark as it applies to the aforesaid goods in class 14 only.

1. The Opposer, since well prior to May 20, 2011, the filing date of the application, here opposed, and also well prior to the alleged date of first use of the mark, May 1, 2010, has been engaged in the business of designing, developing, producing and marketing a wide variety of jewelry products and horological instruments and has advertised and exported the same under the trademark **BURMA** as more specifically set forth below, and such branded goods have been sold and distributed throughout the United States.

2. The trademark **BURMA** was adopted by the Opposer as a trademark for its products more than ninety years ago and use in the United States commenced more than twenty years ago. Opposer's goods under this trademark have been and are currently marketed throughout the United States and abroad.

3. Opposer is the owner of the following United States Registration, which is active and in full force and effect and a copy of which is attached hereto as Exhibit 1¹:

Reg. No. 1,850,647 registered August 23, 1994 for the mark **BURMA** in Class 14. This registration is incontestible under §15 and has been renewed.

4. Opposer's registration in Class 14 covers watches, clocks, chronometers, precious metals, jewelry, namely, rings, necklaces, earrings, pins, bracelets, broaches, chains,

¹ A copy of this registration certificate will subsequently be introduced as evidence during the trial stage of these proceedings.

medals, pendants and watch chains, many of which goods are identical to those present in the application here opposed.

5. Opposer's mark, **BURMA**, is prominently displayed on Opposer's goods or their packaging by printing the same on labels affixed to containers, and packages for its goods, as is common in the trade. Additionally, Opposer's Class 14 goods are prominently shown with English notations on Opposer's web site, www.bijouxburma.com.

6. The mark **BLUMA PROJECT** of the Applicant and the mark **BURMA**, of the Opposer, are similar in sound, connotation and appearance. The goods of both parties are clearly related. Accordingly, there is a high likelihood of possible confusion in the minds of purchasers of the goods as to the source of such goods.

7. It is believed that by virtue of international notoriety and its high volume of sales of **BURMA** jewelry products in the United States, the public has come to readily identify this mark with the Opposer.

8. The goods for which the Applicant seeks to register its **BLUMA PROJECT** trademark clearly applies to goods identical or very similar to goods developed, marketed, manufactured, advertised or distributed by the Opposer under its **BURMA** mark. Additionally such goods of the parties would be sold to the same distributors or retail stores and travel through similar paths of commerce. Accordingly, the goods constitute merchandise of the same descriptive properties and would be sold in competition with each other and therefor confusion as to source of origin is likely to occur.

9. Opposer has for many years built up valuable good will in the **BURMA** trademark for use on jewelry products and as a result thereof, the trade and the ultimate consumer have come to know, recognize and identify said goods bearing this

trademark as the high quality goods of the Opposer. If the Applicant were permitted to register its trademark here opposed for its jewelry products in class 14, confusion in the trade would result by reason of the marks being similar and the goods being identical or very similar. Purchasers familiar with Opposer's **BURMA** mark would believe that Applicant's **BLUMA PROJECT** jewelry products were the goods of the Opposer. Any defects or faults in the quality of Applicant's products would reflect upon and seriously injure the reputation which Opposer has established for its goods. This confusion would result in loss of sales to Opposer and damage to its valued reputation.

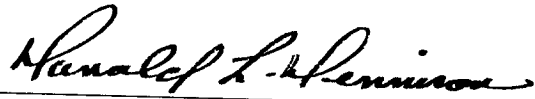
WHEREFORE, Opposer, clearly having superior and paramount rights as compared to the Applicant, prays that application Serial No. 85/325,719 be refused and that registration of the mark shown therein for the goods set forth be refused and denied.

The statutory Opposition fee in the amount of \$300 is attached hereto in the form of a credit card charge authorization.

BIJOUX BURMA

Date: September 10, 2012

By



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CERTIFICATE OF SERVICE

This is to certify that a copy of the above Notice of Opposition was served upon counsel for the Applicant, Christine Creamer, 123 3rd Place, 4L, Brooklyn, New York 11231, by first class mail with proper postage affixed this 13th day of September, 2012.

A handwritten signature in cursive script, reading "Donald L. Dennison", written in dark ink. The signature is fluid and stylized, with a horizontal line underneath it.

Donald L. Dennison

Int. Cl.: 14

Prior U.S. Cls.: 27 and 28

United States Patent and Trademark Office

Reg. No. 1,850,647

Registered Aug. 23, 1994

**TRADEMARK
PRINCIPAL REGISTER**

BURMA

ULLOUX BURMA (FRANCE CORPORATION)
8 BOULEVARD DES CAPUCINES
75009 PARIS, FRANCE

FOR WATCHES, CLOCKS, CHRONO-
METERS, PRECIOUS METALS, JEWELRY;
NAMELY, RINGS, NECKLACES, EARRINGS,
PINS, BRACELETS, BROACHES, CHAINS,
MEDALS, PENDANTS, AND WATCH CHAINS,
IN CLASS 14 (U.S. CLS. 27 AND 28).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
FRANCE APPLICATION NO. 286458, FILED
5-17-1991, REG. NO. 1662863, DATED 5-17-1991.
EXPIRES 4-17-2001.

SER. NO. 74 238,688, FILED 1-21-1992.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

EXHIBIT 1